



**Notice of a public meeting of
Area Planning Sub-Committee**

To: Councillors Hollyer (Chair), Crawshaw (Vice-Chair),
Cullwick, Fisher, Galvin, Craghill, Melly, Orrell, Waudby,
Webb and Perrett

Date: Thursday, 10 December 2020

Time: 4.30 pm

Venue: Remote Meeting

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes (Pages 1 - 10)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 25 November 2020.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is 5:00pm on Tuesday, 8 December 2020.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill out an online registration form. If you have any questions about the registration form or the meeting, please contact the relevant Democracy Officer, on the details at the foot of the agenda.

Webcasting of Remote Public Meetings

Please note that, subject to available resources, this remote public meeting will be webcast including any registered public speakers who have given their permission. The remote public meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Plans List

To determine the following planning applications:

Note: Annexed to each report is a series of presentation slides showing photographs of the site and its environs and plans of the proposed works.

**a) Electricity Sub Station, Windmill Lane York, (Pages 11 - 46)
[20/01473/FUL]**

This application seeks permission for the erection of 11kv substation with associated infrastructure and landscaping works.
[Hull Road]

**b) 54 Scarcroft Hill, York, YO24 1DE (Pages 47 - 64)
[20/01561/FUL]**

This application seeks permission for the change of use of dwelling house (Use Class C3) to House in Multiple Occupation (Use Class C4) [Micklegate]

Democracy Officer:

Name – Michelle Bennett

Telephone – 01904 551573

E-mail – michelle.bennett@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

This page is intentionally left blank

City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	25 November 2020
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Galvin, Craghill, Orrell, Waudby, Webb, Perrett and Kilbane (Substitute)
Apologies	Councillor Melly

30. Declarations of Interest

Members were invited to declare, at this point in the meeting, any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that they might have in the business on the agenda. None were declared.

31. Minutes

A Member noticed an error on the last word of the final paragraph on the reason for the resolution that the application be deferred and requested the following amendment:

‘...as the wording for ~~refusal~~ **deferral**.’

Members requested the insertion of a paragraph between the penultimate and final paragraph.

Resolved: That delegated power be given to the Chair and Vice-Chair to confirm the wording of this paragraph.

Post meeting note: The Chair and Vice-Chair confirmed the following paragraph:

In response to members questions, the developer of the scheme, Mr France, confirmed that monies received by Barnitts would be as a result of the sale of the buildings and that the profits arising from the development would be retained by the developer.

Subject to the above changes, it was:

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 11 November 2020 be approved and then signed by the Chair at a later date.

32. Public Participation

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

33. Plans List

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

33a) Telecommunications Mast Park Inn North Street, [20/01031/FUL]

Members considered a full application from Hifzul Moosa for the upgrade of existing rooftop telecommunications equipment including ancillary works. Planning permission for a previous scheme (19/02629/FUL) had been refused on 14 February 2020. Revisions made since the refused scheme had included a reduction in the number of proposed antennas as well as the removal of the proposed dishes and external cabinets.

Officers gave a presentation based upon the slides at pages 19 - 28 of the Agenda, there were no additional officer updates or clarification questions.

Mr Ocean Melchizedek spoke in objection on the grounds that he felt an invalid ICNIRP certificate had been submitted as part of this application as the cumulative radiation of all transmitters, when operational, had not been calculated.

Cllr Baker, Ward Member for Micklegate, spoke in objection and made the following points:

- That concerns regarding exposure to EMF are widespread
- That there are carcinogenic effects of this technology
- That there is a lack of evidence on the ecological effects of this technology

- That there are questions over the public benefit of this technology

In response to questions from Members, officers confirmed that the NPPF suggests that planning decisions should support the expansion to communications technology and support the introduction of 5G which explained the officer recommendation.

After debate, Cllr Galvin moved, and Cllr Fisher seconded, that the application be approved, in accordance with the officer recommendation. Cllrs: Crawshaw, Cullwick, Fisher, Galvin, Kilbane, Orrell, Perrett, Waudby, Webb and Hollyer all voted in favour of this motion. Cllr Craghill voted against this motion and the motion was declared CARRIED. It was therefore:

Resolved: That the application be APPROVED, subject to the conditions listed in the report.

Reason for Approval

The Park Inn Hotel is an existing site for telecommunications equipment, which provides 3 existing antennas. It is acknowledged that the proposals to upgrade the equipment to provide 5G coverage will result in a greater level of visual impact; the numbers of antennas to be provided will increase to 6 (with one antenna contained within the aperture casing), increase the bulkiness of the equipment as well as these being taller structures than those in situ on the building. Whilst the equipment would still be visible, they are designed in a way to be less visually intrusive within views. Careful consideration has been given to the statutory duties with regard to designated heritage assets. Whilst the proposal would result in harm to the designated heritage assets, this harm is assessed as being less than substantial. The application has demonstrated that there are public benefits of the proposal, notably compliance with Section 10 of the National Planning Policy Framework, which supports high quality communications and which further supports social and economic objectives which are considered to outweigh the less than substantial harm identified to heritage assets.

The application satisfies the requirements of the ICNIRP Public Exposure Guidelines on radio frequency and NPPF paragraph 116.

It is considered that the proposed scheme would not have an adverse impact that would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations. It is considered that the NPPF and policies C1, D1, D4 and D5 of the Publication Draft Local Plan (2018) and GP1, GP18, GP20 and HE3 of the Development Control Local Plan (2005) are satisfied.

**33b) 44 Tranby Avenue Osbaldwick York YO10 3NJ
[20/00338/FUL]**

Members considered a full application from Mr Nicolai Krasnov for the erection of a two storey extension to the side of a two storey detached dwelling in Osbaldwick. Permission had previously been granted (17/02432/FUL) for the change of use of the dwelling from use class C3 to a House in Multiple Occupation (use class C4) and an outline application (17/01949/OUT) had been made for the erection of 1no. dwelling in the same part of the curtilage that the proposed side extension would occupy. This application had been refused and the decision had been upheld on appeal.

Officers gave a presentation based upon the slides at pages 39 - 46 of the Agenda. There were no additional officer updates or clarification questions.

Cllr Warters, Ward Member for Osbaldwick and Derwent, spoke in objection and made the following points:

- That a previous application on this site was refused by the planning inspector and that this application was not fundamentally different.
- That there was ambiguity in the numbers of bedrooms in this application.
- That there are significant concerns around car parking and the effect this will have on the surrounding community.

After debate, Cllr Cullwick moved, and Cllr Orrell seconded, that the application be approved, in accordance with the officer recommendation, with an amendment to Condition 5 regarding additional landscaping scheme. All committee members voted in favour of this application and the motion was declared CARRIED. It was therefore:

Resolved: That the application be APPROVED, subject to the conditions listed in the report and the following amended condition:

Amended Condition 5

Before the commencement of the development a scale drawing showing an additional on-site car parking space accessed from the existing driveway shall be submitted for the approval of the local planning authority. The additional car parking space shall be provided in accordance with the approved drawing before the occupation of any part of the extension. **In addition, that a landscaping scheme be submitted for the approval of the local planning authority.**

Reason: In the interests of residential amenity and highway Safety and that a landscaping scheme be submitted.

Reason for Approval

The proposal is considered to be acceptable in terms of its impact on the streetscene and residential amenity. It would comply with National Planning Policy Framework (2019), policies D1 and D11 of the City of York Publication Draft Local Plan 2018, policies GP1 and H7 of the 2005 City of York Draft Local Plan, and advice contained within Supplementary Planning Document 'House Extensions and Alterations' (Dec. 2012).

33c) Land Lying to the North Of Kimberlow Lane Heslington, York, [20/00532/REMM]

Members considered a reserved matters application from the University of York for the erection of a children's nursery with associated vehicle drop off and landscaping following outline permission 20/01270/OUT for a new university campus.

Officers gave a presentation based upon the slides at pages 81 -92 of the Agenda. There was no further update from officers. In response to clarification questions from members, officers noted the following:

- That the traffic level limits were conditioned in the outline planning application.

- That LTN 120 in respect of road/cycle safety was government guidance and not legislation.

The following panel of experts were available at the meeting, speaking on behalf of the University of York:

- Planning: Janet O'Neill and Tim Ross from O'Neill Associates, Planning Consultants
- University: Jon Greenwood (Director of Commercial Services)
- Architect/ Sustainability: Cian Glashan (Seven Architecture)
- Transport: Simon Pratt (WSP)

Key points arising from Members questions to the above panel included:

- The new site would offer a much improved space and access to outdoor area for the current nursery that is currently on campus west.
- Looked at 10 locations and this was the only site that usable for this purpose due to size, vehicle access and access to outdoor space.
- That the university has an ecology plan for the whole site and would be happy to accept ecology enhancements via condition.
- University have had much success with their travel plan and are happy to increase cycle parking as needed.
- That the cycle parking provision is big enough to accommodate trailers and bigger cycles and would be happy to see this conditioned.

After debate, Cllr Crawshaw moved, and Cllr Webb seconded, that the application be approved, in accordance with the officer recommendation, with amendments to conditions 2 and 14 and an additional condition as set out below. Cllrs: Crawshaw, Cullwick, Fisher, Galvin, Kilbane, Orrell, Perrett, Waudby, Webb and Hollyer all voted in favour of this motion. Cllr Craghill voted against this motion and the motion was declared CARRIED. It was therefore:

Resolved: That the application be APPROVED, subject to the conditions listed in the report and the following amended and additional condition.

Amended Condition 2

Within three months of the commencement of development a detailed landscape scheme shall be submitted to the Local Planning Authority for approval in writing. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; and seed mixes, sowing rates and mowing regimes. It will also include tree planting details including ground preparation, soil volumes, means of support, protection, and watering. The proposed tree planting shall be compatible with existing and proposed utilities. This scheme as approved shall be implemented within a period of six months of the practical completion of the development. Any trees or plants ~~which within a period of five years from the substantial completion of the planting and development~~, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Amended Condition 14

Prior to the development commencing details of the cycle parking areas, **including space for trailers** and ~~including~~ means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Additional Condition 9

Protection of woodland and suitable fencing to protect badgers/hedgehogs during construction. In accordance with the submitted ecology report's recommendations for ecological enhancement. Support would

include bat / bird boxes, gapping up the hedgerow and a wildflower meadow area.

Reason: In order to protect the woodland and ecology.

Reason for Approval

The application is for a new (replacement and enlarged) pre-school nursery and crèche in a new single storey building at The University of York's Campus East. It is accepted that there are no other suitable sites for the nursery which would not compromise the University's objectives nor the build out of the masterplan area. As all other factors; design, access, sustainability, suitable drainage etc are supportable, in the planning balance the harm identified to the parkland landscape is outweighed by the urgent need and lack of suitable alternative location. Planning law requires that applications are determined in accordance with the development plan, unless material considerations indicate otherwise. As York does not have an adopted development plan, those emerging policies which identify the site as open space carry limited weight. There are compelling reasons put forward by the applicant and as such, considering all issues in the planning balance, the application is recommended for approval.

33d) The Tile Company Unit 2 Kettlestring Lane, York YO30 4XF [20/00148/FULM]

Members considered a full application from Mr George Cornwall-Legh for the erection of eight units for light industry or general industry or storage/distribution or storage/distribution with ancillary trade counter use (use classes B1(c), B2, B8); erection of one unit for the use of motor vehicle repairs or light industry or general industry or storage/distribution or storage/distribution with ancillary trade counter use (use classes B1(c), B2, B8); erection of substation; and associated car parking and landscaping following demolition of Unit 2 Kettlestring Lane and Unit 1 Lysander Close.

Officers gave a presentation based upon the slides at pages 111 -117 of the Agenda and reported that the application seeks approval for a trade counter, ancillary to the proposed storage/distribution use. To avoid harm to existing centres the applicant has accepted a 20% limit on the amount of floorspace

to be occupied by the trade counter which would be added as an additional condition (19).

Ms J Gabrilatsou, representative for the applicant, outlined the benefits of this scheme which included compliance with the development plan and the achievement of BREAM 'Excellent'.

In response to questions from Members, officers confirmed that highways officers were content with the number of car parking spaces given the nature of the business in question.

After debate, Cllr Kilbane moved, and Cllr Webb seconded, that the application be approved, in accordance with the officer recommendation and the addition of condition 19, mentioned above. All committee members voted in favour of this motion and the motion was declared CARRIED. It was therefore:

Resolved: That the application be APPROVED, subject to the conditions listed in the report and the following additional condition:

Additional Condition 19

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended or any order amending, revoking or re-enacting that Order, or the description of development associated with this permission, no more than 20% of the net floor space of the unit(s) hereby created shall be devoted to a 'trade counter' use.

Reason: To safeguard the vitality and viability of York City Centre and the defined District Centres and to secure compliance with Policy R4 of the Publication Draft City of York Local Plan (2018).

Reason for Approval

The redevelopment would support the local economy by increasing employment floor space on a brownfield site in a sustainable location. The general building form and character are in keeping with the character of the area. The loss of a proportion of the landscaped boundaries of the site is considered to result in some harm to the

character and appearance of the area. However in the planning balance it is considered that the benefits of the proposal outweigh this identified harm and that the application complies with national planning policy in the NPPF and relevant policies of the emerging local plan.

Cllr Hollyer, Chair

[The meeting started at 4.30 pm and finished at 7.15 pm].

PROPOSAL

1.4 The application is for an extension to the primary electricity substation to provide a new 11kv connection for the University of York. It will serve the long-term energy requirements of the University as they continue the build-out of Campus East. It will also provide an electricity supply which operates independently from Campus West and thus improve resilience should there be a power failure. The University advise that the existing demand is near to capacity and the new connection and supply is urgently required.

1.5 The existing substation compound comprises a medium size substation and a brick-built switch room/control room located either side of a central access road. This access road continues up to a gas installation chamber on the northern side of the site. Cables and ducting for the existing plant run through the woodland area to the east and connect into the service infrastructure within Windmill Lane. From there they connect to large areas of parts of the south-east of the city including areas of Fulford, Heslington, the University and Naburn. The area of the existing cluster of substation buildings measures 48m by 21m (0.1ha).

1.6 The proposed extension is for replacement switch gear which will be housed in a pre-fabricated steel container measuring 13.3m (l) by 3.9m (w) by 3.0m (height) located to the south of the existing compound. Additional cables and ducting will be laid to the east, parallel with the compound, connecting to the existing service infrastructure on Windmill Lane. A new turning head will be created for access to the facility, as turning space for vehicles during and post development, and to provide space for a crane to lift in the container. This will be located adjacent to the boundary with the Science Park, to the west of the proposed new switchgear. A new palisade fence with access gates from the track is proposed to enclose the whole compound.

1.7 The proposals will require a temporary diversion of the Public Right of Way (PRoW) running through the woodland; approximately 9m to the east of its current route alongside the substation buildings. The proposals result in the loss of twenty-seven (27) trees of varying quality and age, as well as ground clearance of vegetation.

1.8 Since submission, plans have been received with additional information on the proposals, an arboricultural impact assessment, an arboricultural survey, a Tree Protection Plan, Method Statement and an Ecological Appraisal. A Landscape Plan setting out replacement planting has also been submitted and a statement further justifying the need for the substation extension and alternatives considered. A second period of consultation was undertaken.

RELEVANT PLANNING HISTORY

1.9 On 19.10.2004, planning permission was granted for a flat roof extension to the existing electricity substation (04/03261/FUL). The extension was in an existing clearing and did not involve any loss of trees.

2.0 POLICY CONTEXT

2.1 Allocations:

Within settlement boundary

Woodland Tree Preservation Order 15/1986-W2

Flood zone 1 (low risk of flooding)

Public Right of Way (footpath code (7/16/10))

2.2 Policies:

York Local Plan Publication Draft (2018)

DP3 Sustainable communities

ED1 University of York

D2 Landscape and setting

GI1 Green infrastructure

GI3 Green infrastructure network

GI4 Trees and hedgerows

Draft Local Plan adopted for development control purposes (2005)

GP1 Design

NE1 Trees, woodlands and hedgerows

Heslington Parish Neighbourhood Plan Submission Version (September 2019)

HES:14 Green infrastructure

HES:18 Paths and other rights of way

3.0 CONSULTATIONS

INTERNAL

Design, Conservation And Sustainable Development (Landscape Architect)

3.1 The trees within the woodland alongside Windmill Lane are subject to a woodland tree preservation order (ref: 15/1986-W2) which protects all the trees, regardless of their age. Natural regeneration and purposeful replacement planting has resulted in a reasonable woodland structure, which includes mature trees, young trees, and under-storey species. The proposals result in the loss of a significant number of trees at the rear of the woodland, which are not as publicly visible as the foreground trees from Windmill Lane. Despite the high number of trees that would be lost through the development, only a small number are category B trees that are desirable for retention due to their individual merit. There are 10 category C trees (within groups G2, G3, and G6) and most of these are tightly-spaced, young, spindly Sycamores of limited value that are competing with each other and also the better trees. Nonetheless there are two early-mature trees with reasonable long-term potential that would need to be removed to accommodate the development. There would also be some limited harm to the amenity of the well-trodden PRow footpath from the additional structure, an increased physical presence of the substation from Windmill Lane and potential harm to retained trees from excavations and compaction of ground, particularly Oak (T5).

3.2 The loss of these protected trees is not acceptable in itself because of their integral value to the woodland, and the amenity that they provide to the public right of way and Windmill Lane and alternative locations should be investigated. However if an alternative site is not feasible then the loss of trees would have to be weighed up in the planning balance. Should the application be approved, then conditions are advised to secure the tree protection and landscape mitigation measures.

Public Protection

3.3 The application site is approximately 80 metres from the nearest residential property. In order to ensure that noise from the substation will not cause any adverse impact to the occupiers of this dwelling or within the area further details were requested on the predicted noise levels from the substation prior to determination. The agent advised that the only new apparatus was replacement switch gear which will not generate any additional noise. It was concluded that the

principle of development in this location was acceptable. A condition was advised on providing details of all machinery and plant that will be audible outside of the site prior to development commencing.

Highways Network Management

3.4 No objections to the proposed development. Part of the build includes trenching works to the adjacent Public Right of Way (PRoW), footpath code (7/16/10) and therefore the PRoW will be required to be closed and temporarily diverted (which is a separate legal process to planning). There are no objections to the reopening of the existing path alongside the new fence. If the temporary route is to be made permanent, as suggested in the applicant's Design and Access Statement, an application to divert the footpath will be required under Section 119 of the Highways Act (1980). An informative is advised, no conditions are necessary.

Flood Risk Management

3.5 The applicant has not submitted any surface water drainage details, nor carried out soakaway testing or provided evidence of existing connected impermeable areas. The officer advised that they required the information prior to determination.

EXTERNAL

North Yorkshire County Council Ecologist

3.6 The development will result in the loss of a number of trees and associated woodland ground flora which is recognised to be of local wildlife value. The woodland as a whole provides important habitat for a number of species including bats, birds, mammals and invertebrates. The recommendations set out within the Ecological Appraisal are supported, in particular minimising the footprint of the development activities and ensuring that protective fencing is used to reduce the risk of damage to habitats outside of the working area. Translocation of ground flora and inclusion of suitable plug plants is also recommended to mitigate and compensate for impacts upon woodland ground flora. Further information is required and the ecological recommendations should be incorporated into the landscape plans. This can be secured by condition through the submission of a detailed Biodiversity Method Statement.

Ouse and Derwent Internal Drainage Board

3.7 The applicant states they are proposing to discharge surface water to a mains sewer. Whilst the Board notes that they have no objection in principle, it is some distance away. If however they are intending to discharge directly or indirectly into a Board maintained watercourse, then consent would be needed. The applicant should however first consider a soakaway informed by a percolation test. If this is not an option, then any discharge to a Board maintained watercourse with appropriate discharge rates and flow control. A condition is advised.

Heslington Parish Council

3.8 No comment.

4.0 REPRESENTATIONS

PUBLICITY

4.1 Councillor Norman has expressed strong concerns about the proposals, noting that this is a major development in a TPO woodland which will involve significant felling of protected trees. It is not believed that this work is essential to the expansion of the University and there is insufficient justification in the application that the development must take place in this location and not elsewhere (as previously advised by the University that it would). There is insufficient assessment of alternative sites even within the woodland to minimise tree loss. A large oak, many mature sycamores and other trees outside of the TPO area would be cut down in this scheme and another mature oak would have foundations dug into the root protection zone. This is a large loss of mature and canopy trees assessed as in good condition, with absolutely no planting mitigation proposals made by the applicant. At a time of climate crisis, to cut down twenty trees, including mature specimens, in order to burn more carbon is inexcusable for a modern university claiming any ecological credentials. Major housing developers in the area have committed to not cutting down healthy trees and the University should be doing the same. The PRoW is hugely important to local residents and should be protected at all costs and the temporary diversion should not result in any further loss of trees. An independent assessment should ensure that there is no additional noise nuisance from the substation extension. These hastily written plans are not befitting this woodland and will deprive local residents of a valuable and shrinking amenity, for a substation that could easily be sited elsewhere.

4.2 Twelve neighbour objections were received on the following grounds:

- Unnecessary and irreversible loss of healthy trees, including mature and young trees, in a protected woodland. The TPO should not be ignored.
- There are no planting mitigation proposals.
- Alternative sites should have been fully considered. The applicant has not provided sufficient evidence of 'absolutely no feasible alternatives' as required by Draft Local Plan Policy G14 relating to trees and hedgerows.
- The scheme is contrary to the climate emergency declared by CYC. The University are choosing the cheaper option involving destroying mature trees over a more expensive alternative.
- The significant undeveloped land owned by the University (Campus East) should be used for the development rather than the woodland. It was understood that the substation was to be decommissioned and moved to Campus East.
- The recent designation of the PRow footpath (2019) is clear evidence that the woodland and current route is of value to public amenity and should remain intact. The woodland is safe, quiet and enjoyed by many with many health benefits and for its access to nature. People do not want to walk alongside a brick wall.
- Objection to any additional noise from the substation.
- The temporary diversion of the PRow will further damage trees and ground cover.
- Loss of wildlife and disruption to the woodland ecosystem and wider wildlife corridor. There is no space for landscaping works as mitigation and saplings are not sufficient to mitigate the loss of mature trees.
- There has already been significant removal of mature trees around this area and the loss of these trees in conjunction with those in the wider area should be considered (including the housing development on St Johns Playing Fields).
- The Council has declared a climate emergency. This proposal removes mature trees and replacement planting will take decades to replace the carbon capture effect of mature trees.
- The proposals damage the local habitat, community relations and the image of the University. The woodland should be protected.

4.3 A second period of consultation was undertaken with interested parties following the submission of further information. No further comments were received.

5.0 APPRAISAL

Legislation

5.1 The Town and Country Planning Act 1990, Part VIII, Chapter 1 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012 sets out the legislation in relation to Tree Preservation Orders. The legislation prevents the cutting down, uprooting, topping, lopping, wilful damage or wilful destruction of any trees protected by such an Order, except with the consent of the local planning authority.

Planning Policy

National Planning Policy Framework (2019)

5.2 The National Planning Policy Framework was updated and republished in February 2019 (NPPF). It is a material consideration in the determination of this planning application.

5.3 The NPPF sets out the Government's overarching planning policies. Paragraphs 7-11 explain that the purpose of planning is to contribute to achieving sustainable development through three interdependent and overarching objectives; economic, social and environmental. Development proposals that accord with an up-to-date development plan should be approved without delay. Where there are no relevant development plan policies or where they are out of date, planning permission should be granted unless policies in the framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Permission should not be granted where any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

5.4 Section 6 states that significant weight should be placed on the need to support economic growth. Section 8 promotes healthy and safe communities including promoting social interaction and supporting healthy lifestyles and well-being. Section 8 further sets out that planning decisions should guard against the loss of valued facilities and protect and enhance public rights of way and access.

5.5 Section 15 protects the natural environment. Planning decisions should recognise the intrinsic character and beauty of the countryside and the benefits of

trees and woodland. If significant harm to biodiversity resulting from development cannot be avoided (such as being relocated on an alternative site), or adequately mitigated or compensated for, then planning permission should be refused.

York Local Plan Publication Draft (February 2018)

5.6 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the 2018 Draft Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.7 Policy DP3 Sustainable communities sets general principles including respecting and enhancing York's green spaces and landscape and protecting and enhancing the natural environment. Policy ED1 generally supports the continuing development of the University of York.

5.8 Policy D2 requires development to conserve and enhance landscape quality and character and the public's experience of it, recognising significant landscape features such as mature trees. Policy GI1 protects landscape, biodiversity and the natural environment recognising the multifunctional role of green infrastructure in supporting healthy communities and resilience to climate change. GI3 seeks to protect and enhance the amenity, experience and surrounding biodiversity value of existing rights of way.

5.9 Policy GI4 supports development that provides protection for overall tree cover and protects trees that are of value to general public amenity. Accompanying text at paragraph 9.13 underlines that only in exceptional circumstances, where the benefits of the development substantially outweighs the retention of significant trees within the site, and there are absolutely no feasible alternatives, then appropriate mitigation and compensatory tree planning will be required within the site boundary.

City of York Draft Local Plan (incorporating 4th set of changes, April 2005)

5.10 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for development control purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

5.11 Policy NE1 protects trees, woodlands and hedgerows which are of landscape, amenity, nature conservation or historical value through refusing development which will result in their loss or damage and requiring trees to be retained on development site to be adequately protected during any site works. Proposals to removed trees will require site surveys and any trees lost should be replaced with locally indigenous species.

5.12 Policy GP1 Design sets development principles. These include the need to respect or enhance the local environment, be of an appropriate design, avoid the loss of important vegetation and other features that contribute to the quality of the local environment, incorporate landscape proposals and ensure local residents are not unduly affected by noise arising from development.

The Heslington Parish Neighbourhood Plan (HPNP) (September 2019)

5.13 The HPNP Submission Version was consulted upon for 6 weeks from 30th October 2019. Referencing paragraph 48 in the NPPF, at this time relevant draft policies carry only limited weight.

5.14 The draft policies map shows the site as 'white land' (unallocated) but does identify the PRoW running through the woodland. Draft policy HES:14 Green Infrastructure states that development proposals will be supported where they avoid significant harm to the environment, including trees, woods, hedges, flora and fauna. Where significant harm cannot be avoided, it must be adequately mitigated or as a last resort, compensated for. Policy HES:18 states that development proposals will be supported where they do not obstruct or impinge on public footpaths and preserve or enhance their distinctive character.

National Planning Practice Guidance: Tree Preservation Orders and Trees in Conservation Areas (2014)

5.15 Orders covering a woodland protect the trees and saplings of whatever size within the identified area, including those planted or growing naturally after the Order was made. Where it is necessary to carry out work on trees subject of a TPO to implement a planning permission, there would be no requirement for any further consent (paragraph 60). Generally if a tree is lost, protected by a TPO, the requirement would be for a replacement tree of an appropriate size and species, planted at the same place. It may be also appropriate to plant a different species or two trees of a smaller species to replace one larger species (paragraph 153).

KEY ISSUES

5.16 The key issues are considered to be:

- Need for substation extension
- Alternative locations
- Loss of trees
- Landscape impact
- Ecology
- Amenity
- Noise
- Drainage

APPRAISAL

The Need

5.17 It is understood that the extension to the substation is required to facilitate a new electrical supply to the University of York. Currently, the energy requirement for the University is serviced by a combination of on-site heat and electricity generation supplemented by power from the grid. The overall energy requirement for both campuses is 23.8 MW, made up of 15.8 MW of heating demand and 8.0 MW of electrical demand. These are the peak recorded levels for campus east and campus west (combined) although the split between the new and original campus is approximately 25/75 for the electrical load and 35/65 for the heating load.

5.18 At present, the heating requirement is met by a 10 MW natural gas boiler located on Campus West to the north of Chemistry car park A, a 3 MW CHP in the

same location and the 0.85 MW biomass boiler on Campus East. Together, these facilities provide a heating capacity of 13.85 MW, which is 2 MW below the peak recorded levels. As a back-up, there is another natural gas boiler available at Campus West, which can be used in an emergency. In relation to electricity, the existing network supply has a capacity of 10 MW and the peak recorded demand stands at 8.0 MW. Of this, 3 MW is generated from the existing CHP and the balance is met through power from the grid, for which the University pays a premium to ensure that it is generated from a renewable source.

5.19 Over the next two years, the heating and electricity demand is expected to increase. The University recently obtained planning permission in April 2020 for a combined heat and power plant on Campus East (The Energy Centre, reference 20/00427/REM). They have also secured an additional 10MW electricity supply from NPG and it is this supply that requires the extension to the proposed substation. This supply will serve the long-term energy requirements of the University and will enable the build-out of Campus East. A reliable energy supply is necessary both for the existing campus and development of the new campus.

Alternatives Considered

5.20 The existing substation in the woodland on Windmill Lane is a 'primary substation'. From power generation, to supply to individual properties, electricity supply is transmitted from large, to primary, then distribution substations, with corresponding drop in energy, before connections are made to consumers. This substation provides power to various parts of south-east York. There is no other primary substation in the vicinity of the University from which an alternative connection can be made. Officers have been advised that the development of a new primary substation, to avoid the extension of the existing, would be at a cost of £4.8m, before land purchase, cabling, networking etc. The applicant and NPG advise that due to this high cost, it is just not an option.

5.21 NPG have determined that there is sufficient capacity to take the new supply from its primary substation off Windmill Lane. However the original 11kv switch gear is over 50 years old and approaching the end of its serviceable life. To maintain supply to all customers benefitting from connections from the substation, this switch-gear must be replaced through the proposed extension in this application. The proposal to provide the switch-gear in a new building is necessary for security of electricity supply to all the existing customers. Replacing switchgear in situ has the greatest risk over the longest period of time (several months) and in this instance,

would risk power supply to over 4,300 existing customers. Providing the replacement switch-gear in a new building as proposed in this application minimises risk in supply for all customers.

5.22 Various other locations for the proposed extension have been considered. The substation extension cannot be positioned to the north of the existing buildings, in an area with fewer trees as it would be too close to the gas chamber and existing service runs. To the west of the woodland is the former Smith and Nephew offices, recently granted permission on 22.01.2020 for use by the University for its York Management School and the Department of Electronic Engineering (19/02011/FULM). The site is currently being developed. Consideration was given as to whether a section of the car park, which abuts the substation, could be used for the extension. However there is a Yorkshire Water Main with easement running along this boundary. The substantial cost and time delays that would result, even should it be agreed with Yorkshire Water, make consideration of this site in the former Smith and Nephew car park not a viable alternative.

5.23 Land to the east of the woodland is Green Belt land and has been discounted as it would be considered 'inappropriate development' to place the substation extension here.

Trees and Landscape

5.24 The current location for the proposed extension has been informed by the arboricultural survey and has sought to minimise damage to the most valuable trees.

5.28 During construction, the route of the existing PRow in the vicinity of the substation will be diverted 9m to the east. The submitted method statement confirms that the temporary route will not involve any loss of trees. A 1m wide strip of herbaceous vegetation will be removed, it will be edged with branches and mulched with bark. Some low hanging branches will be pruned back. Temporary fencing around the complex, tree protection fencing, trunk protection fencing, ground protection and hand excavation of ground will minimise damage to and protect the retained woodland.

5.29 An extended Arboricultural Survey Report, supported by an Arboricultural Impact Assessment Plan has confirmed the full impact of the proposals on the woodland. Trees are classified as follows (in accordance with BS 5837:2012):

- Tree retention category A – high quality with an estimated life expectancy of at least 40 years.
- Tree retention category B – moderate quality with an estimated life expectancy of at least 20 years.
- Tree retention category C – low quality with an estimated life expectancy of at least 10 years or young tree with a stem diameter of below 150mm.
- Tree removal category U – poor condition with an estimated life expectancy of less than 10 years.

5.30 The proposals result in the loss of 27 trees; 22 of these are protected by the woodland TPO, 5 are to the immediate west of the access road and outside the woodland TPO. However, whilst CYC's landscape architect, underlines the need to justify any loss of trees, they concur that despite the high number of trees that would be lost through the development, only a small number (3) are category B trees that are desirable for retention due to their individual merit. These are two early-mature trees, T1 Oak and T4 Sycamore (category B, medium quality) with reasonable long-term potential and T14 Pine (outside the TPO, also category B). Ten of the trees proposed to be removed are within groups G2, G3, and G6 and are all category C (low quality). Most of these are tightly-spaced, young, spindly Sycamores of limited value that are competing with each other and also the better trees.

5.31 A further ten young trees (category C) are needed to be removed for the new underground electricity runs, including a couple of good young Lime trees, but they are relatively small and more easily replaced. A further four category C trees need to be removed for the turning head in addition to the Pine. The applicant has advised that it is not possible to relocate the turning head to avoid the loss of the Pine; NPG met with the installation team to assess whether there was an alternative method of installation that could lead to the retention of the pine tree. However, if the crane was to be sited to the south of this tree then the need to swing the unit into the site would have a severe impact on the T5 Oak tree, which was given precedence as it is covered by the TPO and is a category A tree. The hedgerow along the access road will have to be reduced in order to facilitate the installation. An additional three (3) trees in poor condition close to the substation will be removed whilst the work is undertaken.

5.32 Concerns had been raised about the impact of the development and construction activities in terms of soil compaction and installation of fencing on the root protection area of the retained T5 Oak (the only category A tree affected) but

providing the works are carried out in strict compliance with the method statement, the risk of harm would be reduced to an acceptable level.

5.33 In terms of mitigation, the plans and method statement confirm proposed tree and understorey planting within the area of the proposed temporary footpath. As these trees and shrubs become established, they will provide some replacement screening of the substation from Windmill Lane, although it is noted that when in leaf, the trees currently prevent views of the substation from Windmill Lane. In total, 10no. new canopy trees are proposed (field maple, common oak, lime) and 10no. transplanted hazel or hawthorne trees. Further yew and holly shrubs are proposed. Considering the tight nature of the woodland, this level of mitigation is reasonable and thus supportable.

Ecology

5.34 The development will result in the loss of a number of trees and associated woodland ground flora which is recognised to be of local wildlife value. The woodland as a whole provides important habitat for connectivity for a number of species including bats, birds mammals and invertebrates. The applicant's Ecology Appraisal set out a series of recommendations for minimising the footprint of the development and ensuring protective fencing is used to minimise the risk of damage to habitats outside the working area. An emergence survey confirmed that the only tree to be removed which had potential as a bat roost (Sycamore T4) does not currently support roosting bats. Site clearance works should be undertaken outside the bird nesting season (March to August inclusive) or following a site check to establish the absence of active nests. There is potential for badger and hedgehog to be present within the site but precautionary measures will be acceptable.

5.35 NYCC's ecologist, as advisor to CYC, agrees with the report and recommends a detailed Biodiversity Method Statement to ensure the mitigation is secured. Bat roosting features, bird nesting boxes and features for hedgehogs should be included within the development but these can be secured by condition.

Amenity

5.36 In addition to the loss of trees, objections have been received regarding the impact of the proposals on the enjoyment of the woodland as a recreational resource for the local community. The woodland runs from Hull Road along the full length of Windmill Lane to where it joins Field Lane to the south. Within the

woodland, the PRow runs from close to Hull Road all the way south to Church Lane. A footpath halfway along links Windmill Lane to the Science Park.

5.37 The extension to the substation will affect only a very small section of the PRow; 16m of its approximate 650m length route through the woodland. Already the PRow runs directly alongside the brick wall of the existing substation. The new switchgear will be set back behind the new palisade fence. Therefore, already the character of this stretch of woodland is defined by the substation and its position adjacent to the path and thus the small extension, set 2m away is not considered to significantly further change the existing stretch of the path within the wider context of the full stretch of woodland. The addition of the fencing to secure the compound from trespass and anti-social activity can be seen as a benefit arising from the development. The applicant has advised that the switchgear will not generate any additional noise, but a precautionary condition requiring details of any audible noise from the development and mitigation measures is advised to sustain the tranquillity of this part of the woodland.

5.38 Windmill Lane only benefits from a footpath on the east side and at the time of the site visit, in October when the trees were in leaf, the substation could not be seen from either the road nor the footpath. Whilst in winter it may become more visible, it would not be of the scale that would warrant refusal bearing in mind that the existing substation is already there. A condition is recommended to agree a suitable colour of the steel container and palisade fencing. The temporary diversion of the footpath is not considered to be significant and is of a similar length to the existing.

Drainage

5.39 No drainage details have been supplied. Taking into consideration that a radar survey is required to locate buried cabling prior to any digging down for a percolation test and the reported urgency for the works to commence, in this instance, it is considered that a drainage scheme and details can be conditioned. The footprint of the development is relatively small at 50 sq.m. It is considered likely that a suitable scheme can be agreed post decision via condition but that it should be supported by further arboricultural survey and methodology should further pipe runs be necessary should it be found that a soakaway would not be suitable.

6.0 CONCLUSION

6.1 In considering this application, the presumption in favour of sustainable development does not apply as the scheme involves harm to the woodland TPO through the loss of trees. The University have justified the need for the development through existing supplies being at capacity and to support the further build out of Campus East. Officers are satisfied that the primary substation cannot be relocated elsewhere, because of the significant cost, or the Yorkshire Water pipe and easement to the immediate west. The switchroom will be located in the woodland adjacent to the existing facility and positioned to cause least harm to those trees of value. The minimum number of trees of value would be lost and there are adequate mitigation measures in terms of protecting the surrounding woodland habitat, replanting and ecological mitigation such that the least harm is caused. Therefore giving significant weight to supporting economic growth (Section 6 of the NPPF) and the continued development of the University of York (Policy ED1 of the Publication Draft Local Plan), on balance, the need for the substation extension, and the small degree of harm overall to the woodland, with no loss of amenity for users of the PRoW, it is concluded that planning permission should be granted.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Site location plan, SLP rev. A

Planning drawing (Proposed site plan and elevations), N215A5102 rev. C

Landscape proposals, LP01 rev. A

Arboricultural Impact Assessment Plan, AIA01 rev. B

Tree Protection Plan and Method Statement, TPP01 rev. B

Proposed Public Right of Way, PROW01

Arboricultural Survey Report BS 5837:2012 Revision B, October 2020

Ecological Appraisal, October 2020

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Details of any machinery, plant and equipment to be installed in or located within the site, which is audible outside of the site, shall be submitted to the local planning authority for approval in writing prior to development commencing. These

details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures as appropriate. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the new apparatus comes into first use and shall be maintained thereafter for its lifetime.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

4 The approved 'Landscape Proposals' shown on drawing LP01 rev. A shall be implemented within a period of six months of the completion of the development. Any trees or plants which are removed or become seriously damaged or diseased during the lifetime of the development, shall be replaced before the end of the most immediate planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: To mitigate the loss of trees resulting from the development.

5 Protection of existing trees shown to be retained on the approved plans shall be carried out in strict accordance with the content of the approved 'Tree Protection Plan and Method Statement', TPP01 Rev. B. A copy of the document will be available for reference and inspection on site at all times. A qualified arboriculturalist shall carry out regular inspections during the development, especially during site preparation and excavations. Before works start on site, the name and address of the appointed arboricultural consultant shall be supplied to the local planning authority.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area.

6 No development shall take place (including any demolition, ground works or site clearance) until a detailed Biodiversity Method Statement for the removal of woodland habitat (including soils and ground flora) has been submitted to and approved in writing by the local planning authority. It shall incorporate the recommendations from the applicant's ecological appraisal and shall include:

- a) Objectives of the proposed works.
- b) Detailed design and /or working methods necessary to achieve the desired

objectives including the translocation of ground flora and inclusion of plug plants, woodland protection measures and the inclusion of appropriate native species. Bat roosting features, bird nesting boxes and features for hedgehogs should be included within the development area.

c) Extent and location of proposed works shown on appropriate scale maps and plans.

d) Any lighting proposed during and post construction including information on illumination, angle of beam, spill and hours of operation.

e) A timetable for implementation (to align with the timescales for construction).

f) Persons responsible for implementing the works.

g) Initial aftercare and long term maintenance.

The works will be carried out strictly in accordance with the approved details and shall be retained in that manner in perpetuity.

Reason: To protect the ecological value of the woodland habitat.

7 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the colour and finish for the steel container of the substation extension and for the palisade fencing shall be submitted to and approved in writing by the Local Planning Authority prior to the development coming into first use. The development shall be carried out using the approved colour and retained as such for the lifetime of the development.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the sample will be available for inspection and where they are located.

Reason: So as to minimise the visual impact of the development on the woodland and from the public highway.

8 Prior to the commencement of development, details of the proposed means of surface water drainage, including details of any balancing works and off site works, shall be submitted to and approved in writing by the local planning authority. Thereafter the drainage shall be provided in accordance with these approved details prior to the development first coming into use.

Following a percolation test, should a soakaway be deemed unsuitable, and new surface water drainage runs be necessary, such works shall be shown on a site plan and they shall be accompanied by an arboricultural impact assessment and method statement for the additional works. These shall also be submitted for approval in writing by the local planning authority and implemented in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site and to ensure no further harm to the woodland.

8.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Agreed a new red line area to include all the area of works.

Requested details on plans showing the location of all the trees proposed to be removed and the route of the diverted public right of way.

Requested a method of works and landscape mitigation measures.

Requested further justification for the extension and an assessment of alternative locations considered.

Agreed precommencement of development conditions with the applicant.

2. PUBLIC RIGHT OF WAY

You are advised that the development will have an effect on the adjacent Public Footpath (code 7/16/10).

The granting of planning permission does not give authority to temporarily divert or stop up a public footpath or bridleway. The diversion or stopping up of footpaths and bridleways (temporary or permanent) are subject to separate processes which must be carried out before the paths are affected by the development. Please contact: rightsofway@york.gov.uk

For information it is noted that the survey plans of the existing path show the PROW leading from the substation to the substation access gate. This is not the recorded route; which continues parallel to Windmill Lane beyond the access road roughly in the middle of the tree belt. However, the path shown may be a worn path which has been picked up on the survey but does not have recorded PROW status. Please note that the true route as indicated on the enclosed plan should be open to the public throughout the construction and thereafter, unless officially diverted.

3. LIGHTING

Lighting should be kept to a minimum and as recommended in the Ecological Appraisal it should follow guidelines set out in the Bat Conservation Trust publications 'Artificial Lighting and Wildlife' (2014) and 'Bats and Artificial Lighting in the UK' (2018).

4. BREEDING BIRDS

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

5. BATS

In the UK, due to the decline in bat numbers in the last century, all species of bat are protected by the Wildlife & Countryside Act (1981) as amended, Countryside and Rights of Way Act (2000) and the Conservation of Habitats and Species Regulations 2017 (as amended). Planning consent for a development does not provide a defence against prosecution under this act. Because of their protected status, it should be noted that if bats are discovered during the course of the work, all works must cease and Natural England must be informed immediately. It is an offence for anyone to disturb or handle a bat without the appropriate licences. This may cause some delay but should not prevent the work continuing, provided that due account is taken of their presence.

6. DRAINAGE DETAILS - DESIGN CONSIDERATIONS

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided (i.e. witnessed by CYC infiltration tests to BRE Digest 365) to discount the use of SuD's.

If SuDs methods can be proven to be unsuitable then in accordance with City of York Councils Sustainable Drainage Systems Guidance for Developers (August 2018), peak run-off from brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey

connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas are not proven then greenfield sites are to limit the discharge rate to the pre-developed run off rate. The pre-development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size) based on the 1 in 1 year event.

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

7. DEVELOPMENT INFORMATIVE

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

Contact details:

Case Officer: Sophie Prendergast

Tel No: 01904 555138

This page is intentionally left blank

Electricity Sub Station, Windmill Lane

20/01473/FUL



Scale : 1:1813

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	City of York Council
Department	Economy and Place
Comments	Not Set
Date	01 December 2020
SLA Number	

This page is intentionally left blank



Area Planning Sub-Committee

20/0173/FUL

Electricity Sub Station, Windmill Lane

Existing sub-station from south



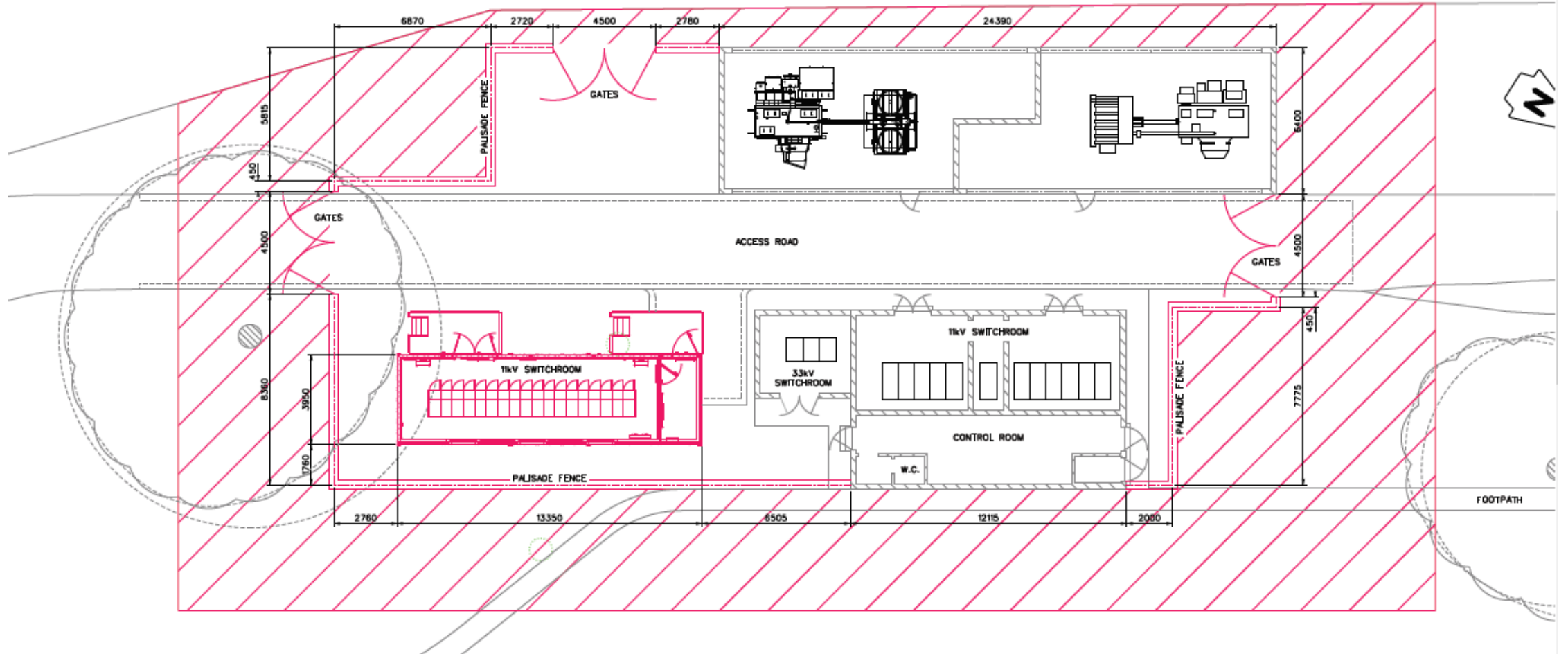
Existing sub-station from north

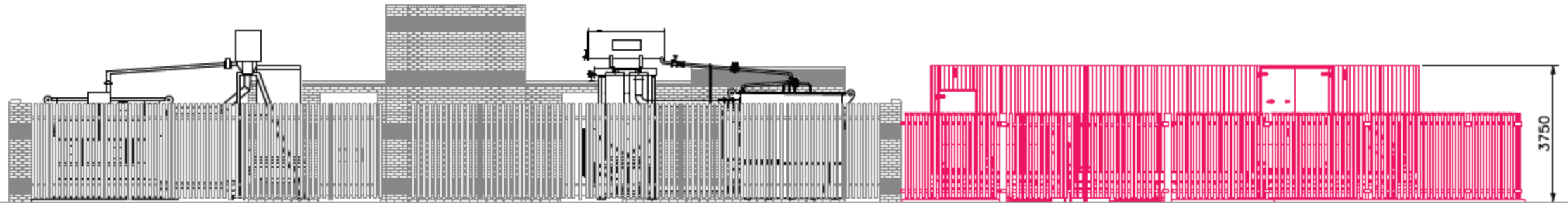


Sub-station access on Windmill Lane looking north

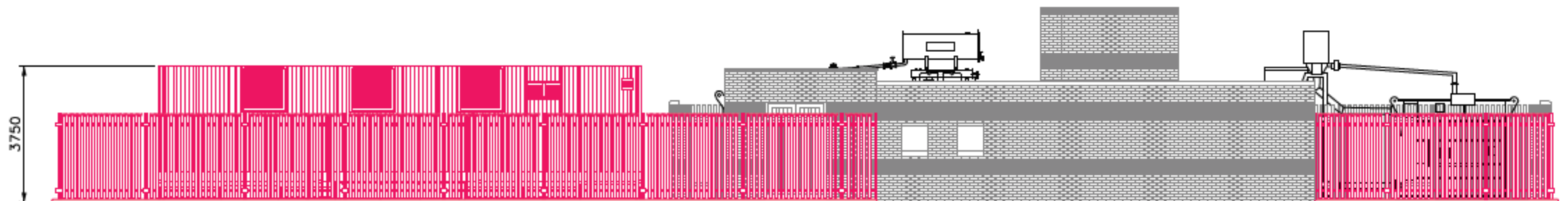


Detail from Site Plan (new sub station bottom left)

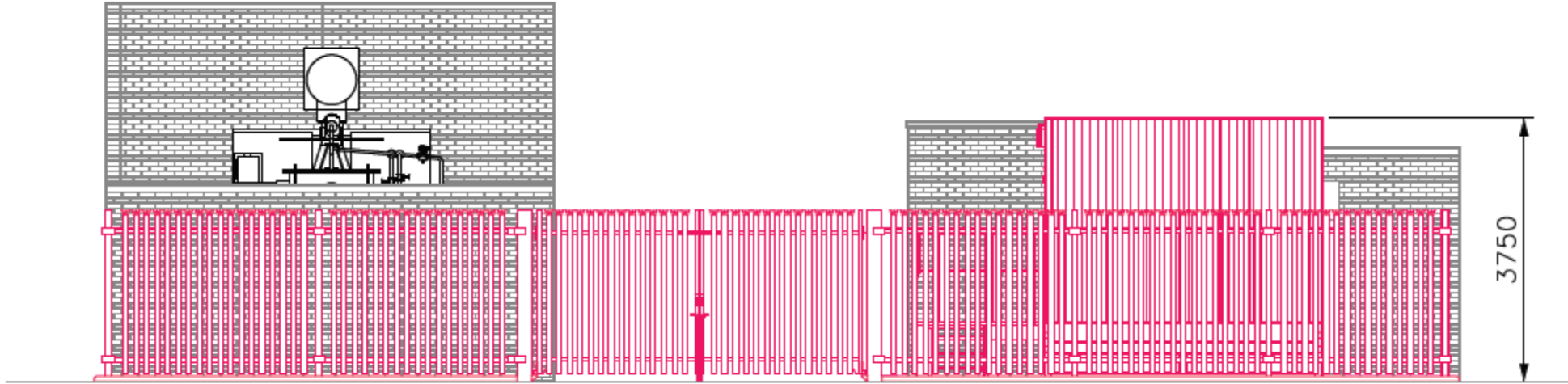




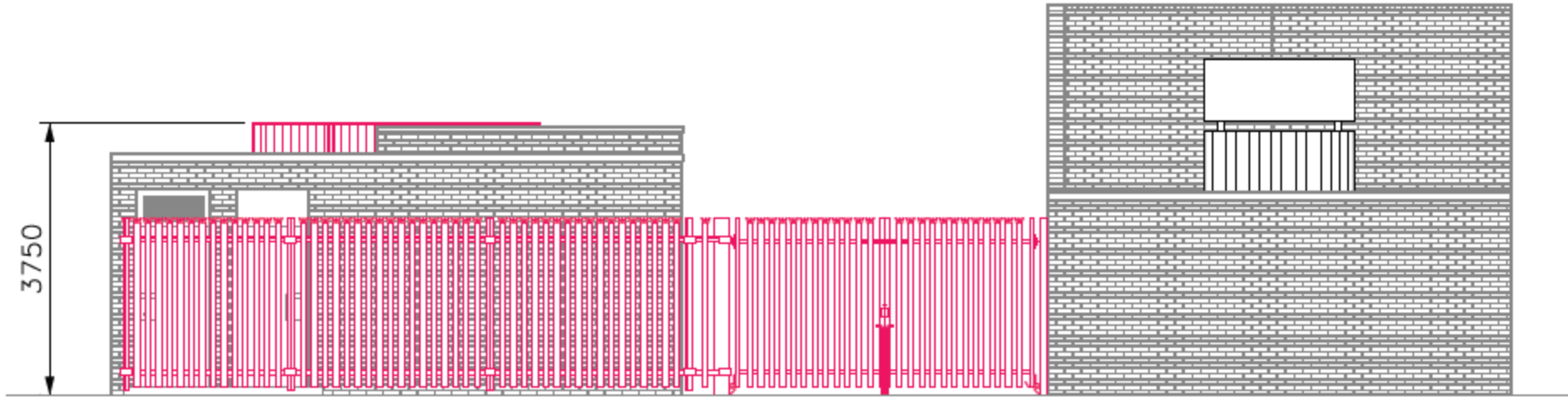
SOUTH WEST ELEVATION



NORTH EAST ELEVATION



SOUTH EAST ELEVATION



NORTH WEST ELEVATION

Site plan with route
with temporary
Public Right of Way



COMMITTEE REPORT

Date: 10 December 2020 **Ward:** Micklegate
Team: West Area **Parish:** Micklegate Planning Panel

Reference: 20/01561/FUL
Application at: 54 Scarcroft Hill York YO24 1DE
For: Change of use of dwelling house (Use Class C3) to House in Multiple Occupation (Use Class C4)
By: Mr Webster
Application Type: Full Application
Target Date: 15 December 2020
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks retrospective permission for the change of use of 54 Scarcroft Hill from a dwellinghouse (use class C3) to a 6 bedroom house in multiple occupation (use class C4).

1.2 The property is a traditional 5 bedroomed mid-terraced dwelling situated in the Central Historic Core Conservation Area, comprising a mix of terraced and semi-detached dwellings. The area is within walking distance of the city centre and is predominantly characterised by family housing. On street parking is part of the resident's parking permit scheme in operation 09.00-17.00 Monday to Friday.

1.3 The application has been called to committee by Cllr Crawshaw on the grounds of the potential impact on the character of the area and in particular the potential detrimental impact on parking of such a large HMO.

2.0 POLICY CONTEXTPublication Draft Local Plan 2018

D4 – Conservation Areas
CYH8 - Conversion to flats/HMO/student accom

Development Control Local Plan 2005

CYGP1 – Design
CYP4a – Sustainability
CYH8 - Conversion to flats/HMO/student accom
HE4 – Conservation Areas

3.0 CONSULTATIONS

INTERNAL

Forward Planning

3.1 Neither the street level of neighbourhood levels are breached - Street level: 0 HMOs out of 49 dwellings = 0.00% and Neighbourhood level: 43 dwellings out of 1523 dwellings = 2.8%. As such it is likely that the change of use would not have an adverse impact on housing mix in this part of the city.

Network Management

3.2 There is community parking on Scarcroft Hill and as such HMO permits can be issued. The change of use may increase the number of permits applied for but it is believed this will be minimal (2 to 3 cars could be expected for a 5 bed house against 0.5 cars per bed for a HMO) – so 3 spaces are required in this instance. As such it is not considered a big enough impact to warrant removal from the zone or a defensible refusal reason.

EXTERNAL

Micklegate Planning Panel

3.3 The Panel objects on the grounds of overdevelopment which is inappropriate in the area.

4.0 REPRESENTATIONS

4.1 Objections from 12 neighbouring properties have been received. The following issues have been raised:

- HMO licence granted for 7 people however the planning application seeks consent for only 6.
- noise disturbance due to thickness of walls
- lack of parking
- insufficient space for refuse and recycling
- insufficient space for cycle parking
- over-intensive use of a family property
- loss of family housing
- behaviour of landlord in flouting planning rules

- vermin due to insufficient bin storage
- the rear alleyway has become a smoking area and is littered with cigarette butts
- inaccuracies in the application form – ie numbers of tenants, parking, refuse and cycle provision
- reduction in broadband width in the street due to number of students accessing the internet

5.0 APPRAISAL

KEY ISSUES

5.1 The key issues in the assessment of this proposal are the impact upon the amenity of neighbours, impact on the character and appearance of the conservation area, and whether the car and cycle parking and refuse storage arrangements are acceptable.

POLICY CONTEXT

National Planning Policy Framework

5.2 The National Planning Policy Framework, February 2019 (NPPF) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

5.3 Paragraph 127 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- establish a strong sense of place
- optimise the potential of sites

5.4 Paragraph 192 says that when determining planning applications, local planning authorities should take account of sustaining and enhancing the significance of any heritage asset, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 193 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Local Plan Policies

Publication Draft Local Plan 2018

5.5 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.6 Policy H8 states that applications for the change of use from dwelling house (Use Class C3) to HMO (Use Class C4 and Sui Generis) will only be permitted where:

- it is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent or are known to the Council to be HMOs; and
- less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning permission or are known to the Council to be HMOs; and
- the accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

5.7 In Paragraph 5.53 it advises that in assessing planning applications for HMOs, the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area. In considering the impact on residential amenity attention will be given to whether the applicant has demonstrated the following:

- the dwelling is large enough to accommodate an increased number of residents;
- there is sufficient space for potential additional cars to park;
- there is sufficient space for appropriate provision for secure cycle parking;

- the condition of the property is of a high standard that contributes positively to the character of the area and that the condition of the property will be maintained following the change of use to HMO;
- the increase in number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy;
- there is sufficient space for storage provision for waste/recycling containers in a suitable enclosure area within the curtilage of the property; and
- the change of use and increase in number of residents will not result in the loss of front garden for hard standing for parking and refuse areas which would detract from the existing street scene.

Development Control Local Plan 2005

5.8 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is very limited. It is considered that the following policies/criteria are relevant:

- Policy GP1 (a) requires development proposals to respect or enhance the local environment
- Policy GP4a (i) requires that development proposals make adequate provision for the storage and collection of refuse and recycling.
- Appendix E to the Local Plan outlines car and cycle parking standards for development and specifies that HMO's should provide 1 car parking space per 2 bedrooms and 1 cycle parking space per bedroom.
- Policy HE4 requires proposals to have no adverse effect on the character and appearance of the area.
- Policy H8 sets out the criteria by which conversions of houses to HMO's should be assessed including that the dwelling has a minimum of 4 bedrooms; adequate car and cycle parking is provided; there would be no adverse impact on neighbouring amenity by virtue of the conversion alone or cumulatively with a concentration of such uses.

Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy (2014)

5.9 This Guidance was prepared in connection with an Article 4 Direction which the Council made in respect of houses within the defined urban area. It has the effect of bringing the change of use of dwellings (Class C3) to small HMO's occupied by between 3 and 6 people (Class C4), which would otherwise be permitted development, within planning control. In Paragraph 5.15 the SPD recognises that concentrations of HMOs can impact upon residential amenity and can, in some cases, create particular issues with regard to:

- increased levels of crime and the fear of crime;
- poorer standards of property maintenance and repair;
- littering and accumulation of rubbish;
- noises between dwellings at all times and especially at night;
- decreased demand for some local services;
- increased parking pressures; and
- lack of community integration and less commitment to maintain the quality of the local environment.

5.10 In Paragraph 5.17 it outlines that in assessing planning applications for HMOs the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area. In considering the impact on residential amenity, attention will be given to whether the applicant has demonstrated that the condition of the property is of a high standard that contributes positively to the character of the area and that the increase in number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy.

5.11 Paragraph 5.7 of the SPD advises that applications for change of use from dwellings to HMO's will only be permitted where:

- a) The property is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- b) Less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- c) The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

ASSESSMENT

5.13 Under Local Plan Policy and the SPD, in consideration of a proposal to establish an HMO, there is a requirement to avoid adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses. In this respect, Paragraph 5.2 of the SPD states a 'threshold based policy approach' is considered most appropriate method for controlling the number of HMO's across the City, as this tackles concentrations and identifies a 'tipping point' when issues arising from

concentrations of HMO's become harder to manage and a community or locality can be said to tip from balanced to unbalanced.

5.14 Council data indicates that within 100m (Street level) of the site that there are currently no known HMOs out of 49 properties - 0.00%. At the neighbourhood level there are currently 43 known HMOs out of 1523 properties – 2.8%. Neither of the thresholds have been breached and as such, the proposed change of use to a HMO is unlikely to significantly affect the balance of the community or the stock of family sized dwellings. Whilst a family house would be lost in this instance, HMO properties are required to provide accommodation for non-family occupiers who also require accommodation throughout the city. By introducing the Article 4 Directive, it helps to balance York's housing market and ensure that communities are not unbalanced by large concentrations of HMO properties. The use of this particular property as a HMO would be acceptable in this instance as it meets the requirements for adequate accommodation and facilities for the occupiers.

Car Parking

5.15 The Development Control Local Plan 2005 (DCLP) contains a car parking standard of 1 space per 2 HMO bedrooms. This is a maximum, which the DCLP states should be assessed downwards depending on the individual characteristics of each site. The property is located within a residents parking zone and permits would be available for the occupants of the HMO as they had been when it was a C3 dwelling. Whilst the application site is in a sustainable location, it would not be considered unusual for a family dwelling of this size to have at least two cars. The maximum requirement for a 6 bedroomed HMO would be for 3 car parking spaces. Whilst it is acknowledged that the HMO use may result in more permits being applied for, it is not considered that this would be a significant change to the existing overall number of cars requiring to park on Scarcroft Hill. As such the proposed change of use is not considered to have a significant additional impact on parking arrangements. Comments have been made that there may be more visitor parking as a result of the change of use, however it is unlikely that this would be significantly more than the use as a family dwelling, and it is unlikely that multiple tenants would have visitors at the same time.

Cycle Storage

5.16 Cycle Standards require provision of 6 no covered and secure spaces for a 6 no bedroom HMO. The cycle storage provided is a covered shelter with hoops for 6 no. bicycles to the rear of the garden. Access to the rear is via the gated alleyway that runs along the rear of the property and there is a secure access pad on the rear gate into the garden. Access to the shelter would be directly off the alleyway and in this instance cycle storage facilities are considered to meet the cycle standards for covered and secure spaces.

Amenity of Occupants

5.17 The property is currently well-maintained, both internally and externally. There is a large open plan kitchen/diner and lounge to the rear of the ground floor. Two bedrooms would also be provided on to the ground floor, with 2no. bedrooms and a bathroom on the first and second floors. In addition, a small room to the rear of the first floor would be used as an office. Bin and recycling box storage is provided in the rear garden as per the previous arrangements for the house. The area is predominantly a black bag collection area and as such bins are provided for the storage of bags until collection day. A 360L bin would provide adequate storage for 6 individuals, however a second wheelie bin has also been provided for any additional bags. The property is considered to provide a good level of accommodation for 6no. individuals.

5.18 Concerns have been expressed by residents about the number of individuals residing at the property as a HMO licence has been granted for up to 7 individuals. The applicant has confirmed that it is only intended to have 6 bedrooms and 6 individuals however and this is reflected in the information submitted with the planning application. Use class C4 allows occupation by up to 6 people.

Impact on the Amenity of the Occupants of Neighbouring Properties

5.19 Objections have been received from adjoining neighbouring residents in relation to noise nuisance due to the limited thickness of the walls. The property is a large house, whether it is occupied by a large family or as an HMO the potential for noise and disturbance exists. Whilst it is acknowledged that students may have different lifestyles to that of a family, it is not considered that the occupation of the property as an HMO would individually or cumulatively result in significant harm to the amenity of neighbouring residents. The applicant has confirmed that a 'management plan' aimed at addressing issues which can arise in terms of properties in multiple occupation has been provided to the current tenants. Issues relating to anti-social behaviour, noise, disturbance etc can occur anywhere in the city and there are agencies and legislation to deal with this, should it happen.

Impact on the Conservation Area

5.20 The site lies within the Central Historic Core Conservation Area, character area 24 (The Mount). The main elements of the character and appearance of the area are set out in the Historic Core Conservation Area (CHCCA) character appraisal. The area is described as 'a leafy suburb with a good number of grand Victorian houses and attractive terraces'. Scarcroft Hill, Telford Terrace and Wentworth Road were added to the conservation area in 2011 due to their importance in maintaining the character of the area. The application property is typical of housing stock in the area and is currently well maintained externally. It is

not considered that the proposed use of the property as a house in multiple occupation would harm the character and appearance of the conservation area.

6.0 CONCLUSION

6.1 On balance and subject to conditions, it is considered that the use of the property as a HMO within the C4 use class is acceptable in terms of the balance of the community, impact on the conservation area, highways impact and local amenity. The application accords with the requirements of the NPPF, Policy H8 of the Publication Draft York Local Plan 2018 and Policies GP1 and H8 of the Development Control Local Plan 2005.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Proposed site plan, floor plan and refuse and recycling layout

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 A management plan shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this decision and shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority. The Management plan shall relate to the following areas:

- i) Information and advice to occupants about noise and consideration to neighbours
- ii) Garden maintenance
- iii) Refuse and recycling facilities
- iv) Property maintenance

Reason: In the interests of the proper management of the property and the amenity of adjacent residents.

8.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, The Local Planning Authority has implemented the

requirements set out within the National Planning Policy Framework (paragraph 38) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

Contact details:

Case Officer: Elizabeth Potter

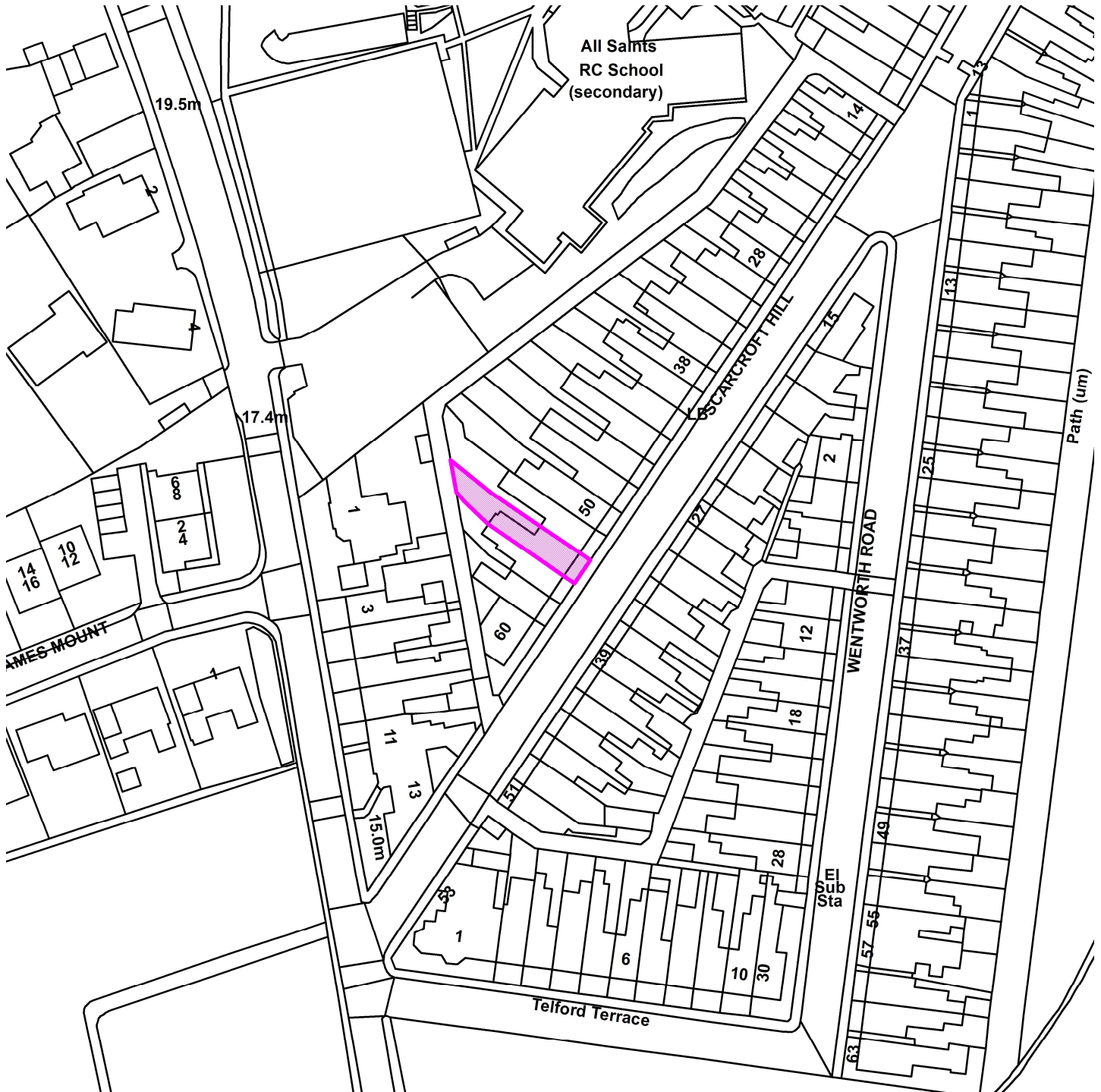
Tel No: 01904 551477

54 Scarcroft Hill

20/01561/FUL



GIS by ESRI (UK)



Scale : 1:1119

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	City of York Council
Department	Economy & Place
Comments	Not Set
Date	01 December 2020
SLA Number	Not Set

This page is intentionally left blank



Area Planning Sub-Committee

20/01561/FUL

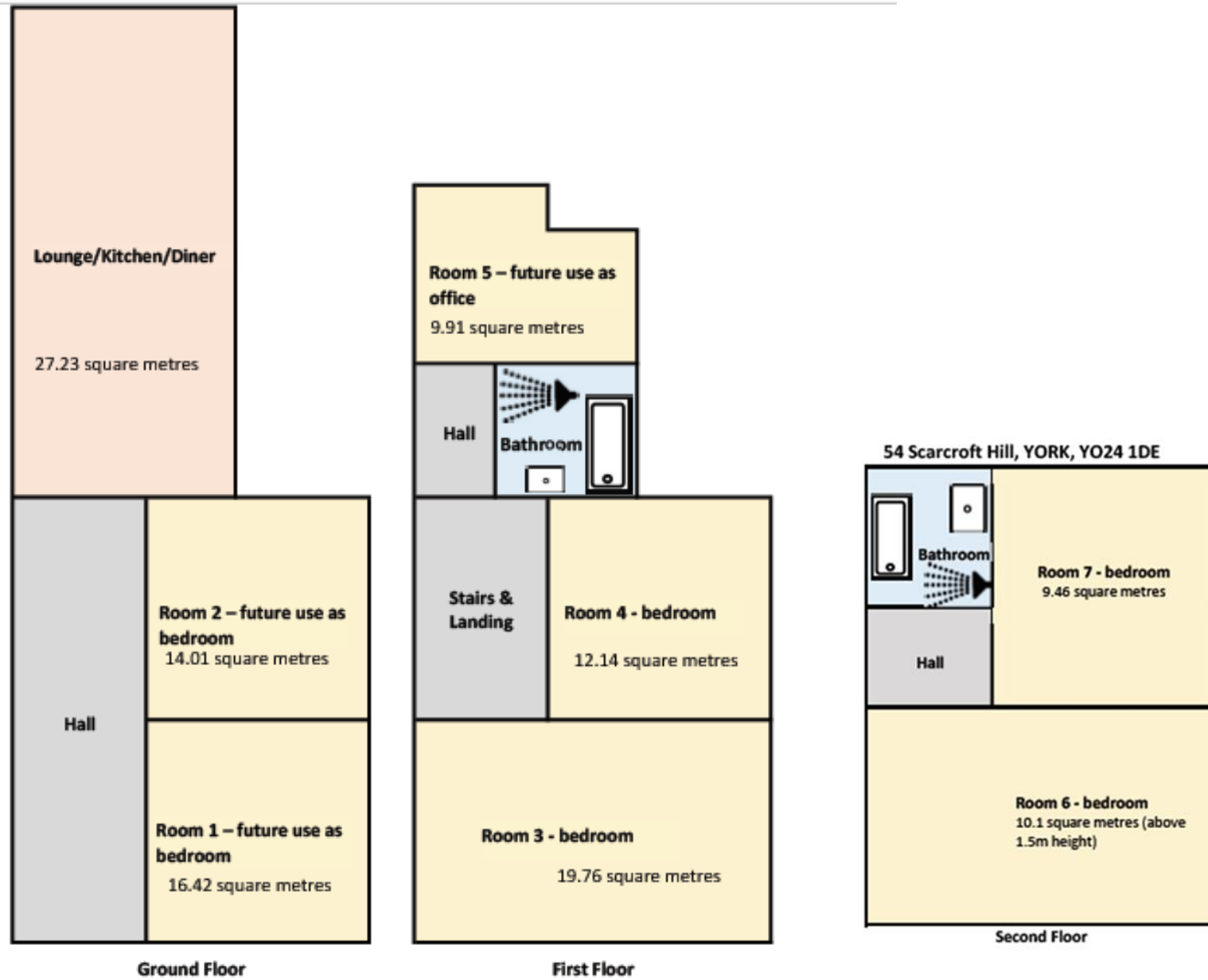
54 Scarcroft Hill

Front elevation
(Google Streetview image)



Area Planning Sub Committee Meeting - 10 December 2020

Floor plans



Existing Cycle Storage, Waste and Recycling

Existing Cycle Storage (see separate detail)

Existing Waste and Recycling (see separate detail)



Cycle storage



This page is intentionally left blank